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10 *Counsel for Plaintiff*

11
 12 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

14 IN RE: UBER TECHNOLOGIES, INC.,
 15 PASSENGER SEXUAL ASSAULT
 15 LITIGATION

13 MDL No. 3084 CRB

14
 15 **NOTICE OF MOTION AND MOTION TO**
 16 **WITHDRAW AS COUNSEL FOR**
 17 **PLAINTIFF K.B.**

18 This Document Relates to:

19 Honorable Charles R. Breyer

18 *K.B. v. Uber Technologies, Inc., et al;*
 19 3:24-cv-05719-CRB

20
 21 **NOTICE OF MOTION AND MOTION TO WITHDRAW AS COUNSEL FOR**
 22 **PLAINTIFF K.B.**

23 TO ALL PARTIES AND THEIR COUNSEL OF RECORD, PLEASE TAKE NOTICE
 24 that as soon hereafter as the matter may be heard, Peiffer Wolf Carr Kane Conway and Wise,
 25 LLP (“Peiffer Wolf”), counsel of record for Plaintiff K.B. (“Plaintiff”), moves this Court for an
 order permitting its withdrawal as counsel for Plaintiff.

26 This Motion is made pursuant to Local Rule 11-5(a) and C. This Notice of Motion &
 27 Motion is based on the below Memorandum in Support and the accompanying Declaration of
 28 Rachel B. Abrams (“Decl.”), attached hereto as Exhibit A. A Proposed Order is attached as

1 Exhibit B.

2 **MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL**

3 Pursuant to Local Civil Rule 11-5(a) and California Rules of Professional Conduct
 4 1.16(b)(4) and 1.16(d), Peiffer Wolf submits this Memorandum of Law in support of its Motion
 5 to Withdraw as Counsel for Plaintiff K.B. Peiffer Wolf respectfully requests the Court grant the
 6 Motion.

7 **STATEMENT OF FACTS**

8 Peiffer Wolf should be permitted to withdraw as counsel for Plaintiff. An attorney may
 9 withdraw from a case by obtaining an order from the court after reasonable advance written
 10 notice has been provided to the client and to all other parties. Civ. L.R. 11-5(a); *see also* Cal.
 11 Rules Prof. Conduct 1.16(d)(1).

12 Peiffer Wolf has given appropriate advance notice of its intent to withdraw to Plaintiff
 13 beginning on December 20, 2024 and culminating with final notice on January 8, 2025. Decl. ¶¶
 14 4(f-j). Peiffer Wolf has also given Uber advance notice. Decl. ¶ 6. Peiffer Wolf has taken all
 15 possible steps to avoid prejudice to Plaintiff by explaining to her the possible consequences of
 16 failing to contact Peiffer Wolf or meet discovery deadlines. Decl. ¶¶ 4(a-j). Peiffer Wolf also
 17 submitted the limited information Peiffer Wolf did have and, upon receiving deficiencies due to
 18 not having required signatures and information from Plaintiff, corresponded with Uber to set up
 19 Meet & Confer processes to address her case as it attempted to try to reach her. Decl. ¶¶ 4(d); 5-
 20 6. Despite those efforts, Plaintiff failed to cooperate and establish positive communication with
 21 Peiffer Wolf. Peiffer Wolf has thus taken all reasonable steps to avoid foreseeable prejudice to
 22 Plaintiff. Decl. ¶ 8.

23 Under California Rule of Professional Conduct 1.16(b)(4), a lawyer may withdraw from
 24 a case if “the client … renders it unreasonably difficult for the lawyer to carry out the
 25 representation effectively.” Here, Plaintiff rendered it unreasonably difficult for Peiffer Wolf to
 26 carry out the representation effectively by failing to communicate with Peiffer Wolf and failing
 27 to provide information required to prosecute her case, despite requests from Peiffer Wolf. Decl.
 28 ¶¶ 4(a-j). Peiffer Wolf has been unable to meet discovery deadlines in this case because, for

1 example, the Plaintiff Fact Sheet requires Plaintiff's input and verification. Moreover, pursuant
 2 to this Court's Order Resolving Dispute Regarding Obligations Under Pretrial Order No. 10
 3 (Dkt 1877), "will supplement" responses in a Plaintiff Fact Sheet are deficient, and Plaintiff has
 4 continuously failed to provide her counsel with employment and medical history. Peiffer Wolf
 5 submitted all information available in the Plaintiff Fact Sheet, but could not obtain Plaintiff's
 6 signatures on required authorizations and verifications. Therefore, Plaintiff's conduct falls into
 7 the express terms of Rule 1.16 regarding permissive withdrawal.

8 Because this motion is not accompanied by a substitution of counsel or an agreement by
 9 Plaintiff to proceed *pro se*, Peiffer Wolf agrees to the condition imposed by Local Rule 11-5(b)
 10 to serve Plaintiffs with all papers in this matter, unless or until Plaintiff appears *pro se*, other
 11 counsel appears on Plaintiff's behalf, or upon further order of the Court. Decl. ¶ 9.

12 **CONCLUSION**

13 Peiffer Wolf respectfully requests that the Court enter an order terminating its
 14 representation of Plaintiff and allowing Plaintiff 30 days to retain new counsel.

15 Dated: January 30, 2025

16 Respectfully submitted,

17 By: /s/ Rachel B. Abrams
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29 *Counsel for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2025, I electronically transmitted the foregoing to the Clerk's Office using the CM/ECF System for filing thereby transmitting a Notice of *Electronic Filing* to all CM/ECF registrants.

/s/ *Rachel B. Abrams*
Rachel B. Abrams